Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

Washington Department of Fish and Wildlife
Regulatory Services Section
C/O Bob Zeigler, SEPA/NEPA Coordinator
600 Capitol Way North,
Olympia, WA 98501-1091

Monday, August 22, 2011

RE: SEPA Log Number: 11 -069

Dear Mr. Zeigler:

The Confederated Tribes and Bands of the Yakama Nation is a federally recognized Indian tribe under the Treaty of June 9, 1855 (12 Stat. 951). Under Article III of the Treaty, the Yakama Nation reserved rights to fish at all usual and accustomed places, together with the privilege of hunting and gathering roots and berries, both within and outside of its reservation,.

Please find attached correspondence to me from my staff. I concur with the findings of the report for fish and wildlife protection. As you may know, substantial funding is being invested in the Yakima River Basin, to allow it to once again support a viable salmonid and resident fish population, in addition to a sustainable wildlife population. The proposed development may provide some environmental impacts that require mitigation.

Please contact my staff regarding your response to any of the mitigation measures noted in the attached memo. John Marvin can be reached at 509-966-7406.

Sincerely,

Philip Rigdon
Deputy Director of Natural Resources
Yakama Nation

CC Yakama Nation Office of Legal Council
File

MEMORANDUM

TO: Phil Rigdon, Deputy Director, DNR
THROUGH: Scott Nicolai, Yakima Subbasin Habitat Coordinator, YKFP
FROM: John Marvin, Habitat Biologist, YKFP
DATE: Monday, August 22, 2011
RE: Manastash Creek Flood Damage Repair (SEPA Log Number: 11 -069)

The Washington Department of Fish and Wildlife (WDFW) is accepting comments on State Environmental Policy Act (SEPA) review for the proposed repair of two flood damaged bridges over Manastash Creek. Both bridges were damaged in the May 2011 flood event. The proposed repair will redistribute gravel bar material to restore the conveyance capacity of both the Whitfield and Clark-Yukert bridges to their original design (this will also re-bury the abutment footings). The new channel behind the Whitfield bridge south abutment will be closed, the stream bank repaired and shaped to return the stream flow under the bridge, and the bridge approach road fill replaced. The bank barb constructed during the flood at the Whitfield bridge site will be relocated to better direct flow under the bridge. A gravel plug will be removed from the secondary channel immediately downstream of the Clark-Yukert bridge and woody debris shall be relocated to the south bank and configured as a "debris jam" deflector to protect the eroding portion of bank and provide habitat for fish. All disturbed streambank areas within the project area will be planted with willow cuttings and/or transplants of willow and redosier dogwood.

Within the project area, large quantities of bedload were deposited in front of and under the two bridges during the May 2011 flood event. These gravel bars substantially reduced the conveyance capacity of the bridges and adversely affect flow conditions at the bridges. The creek eroded a new channel around the south end of the Whitfield bridge making the bridge unusable, the abutment footings of both the Whitfield and Clark bridges were exposed by scour, and severe bank erosion occurred in several places in the project area.

Recommendations

1. Cross-section D of the application for the Clark-Yukert bridge depicts what appears to be a dike. No dikes should be allowed and any unpermitted dikes within the project area should be removed as mitigation.
2. The armored bank below the Clark-Yukert bridge has a significant amount of concrete debris that should be removed. Concrete debris is an inappropriate material within the aquatic environment.
3. The proposed debris jam should be anchored to provide for stable in stream habitat.
4. No excavation below depth of scour should be allowed.
5. No fill from outside the project site should be allowed.
6. More woody debris should be incorporated into the armored banks and groins to provide aquatic habitat.

7. Manastash Creek is a 303d listed waterbody under the Clean Water Act for temperature. A restoration plan, with a guaranteed level of survivability for re-vegetation should be required.

c: file